



City of Concord

City Council

Meeting Minutes - Draft

Monday, September 20, 2021

5:30 PM

City Council Chambers
37 Green Street
Concord, NH 03301

1. Mayor Pro Tem Bouchard called the meeting to order at 5:30 p.m..
2. Invocation.
3. The Pledge of Allegiance was done.
4. Roll Call.

Present: 11 - Councilor Candace Bouchard, Councilor Byron Champlin, Councilor Amanda Grady Sexton, Councilor Fred Keach, Councilor Linda Kenison, Councilor Jennifer Kretovic, Councilor Gail Matson, Councilor Keith Nyhan, Councilor Karen McNamara, Councilor Zandra Rice Hawkins, and Councilor Brent Todd

Excused: 2 - Councilor Erle Pierce, and Councilor Robert Werner

Late: 2 - Mayor Jim Bouley, and Councilor Nathan Fennessy

5. Agenda overview by the Mayor.

Consent Agenda Items

Appointments

6. Mayor Bouley's Redistricting Committee Appointments. (To be submitted under separate cover.)

Action: No action taken on this item.

End of Consent Agenda

Public Hearing

7. Pursuant to RSA 53-C:3-a, the City Council, as statutory Franchising Authority for the City of Concord, will conduct a public hearing to consider whether it will grant a cable television franchise to provide Cable Services, for the franchise applicant, Atlantic Broadband (NH-ME), LLC (“Atlantic”), to install, construct and operate a cable television system in Concord.

The public hearing will, at a minimum, consider the following as applied to Atlantic's prospective cable service in Concord:

- I. The financial ability of Atlantic to perform.
- II. The ability of Atlantic to provide adequate and technically sound facilities, equipment and signal quality.
- III. That Atlantic will offer adequate channel capacity and appropriate facilities for public, educational, or governmental use, taking into account available technology, subscriber interest, and cost.
- IV. That Atlantic will not discriminate among customers for providing basic service.
- V. That Atlantic will provide reasonable service quality in terms of available technology, subscriber interest, and cost.
- VI. That Atlantic will construct and install a cable system which conforms to all applicable state and federal laws and regulations and the National Electric Safety Code.
- VII. That Atlantic will have competent staff able to provide prompt, adequate service, and to respond comprehensively to customer complaints or problems.
- VIII. That Atlantic will have reasonable rules and policies for line extensions and disconnects, customer deposits, and billing practices.

Interested parties are encouraged to attend the hearing and offer testimony on cable-related matters.

For more information on the public hearing, please call the City Manager's Office at (603) 225-8570.

Action: Mayor Pro Tem Bouchard welcomed attendees to the meeting, explaining she would be chairing the meeting until Mayor Jim Bouley arrives. Mayor Pro Tem Bouchard indicated the hearing is to address Atlantic Broadband's expressed interest in constructing and operating a cable television system in the City of Concord. She indicated that Concord currently has a Franchise Agreement with Comcast to operate an existing cable television system in the city. Mayor Pro Tem Bouchard indicated that tonight's public hearing is required by New Hampshire law, RSA 53-C:3-a. She further stated that, under that statute, there are eight items that must be considered before granting a franchise to Atlantic Broadband to provide cable service. Those items are:

1. Whether Atlantic Broadband has the financial ability to perform.
2. Whether Atlantic Broadband has the ability to provide adequate and technically sound facilities, equipment and signal quality.
3. Whether Atlantic Broadband has adequate channel capacity and appropriate facilities for public, educational, or governmental use, taking into account available technology, subscriber interest, and cost.
4. The prohibition of discrimination among customers of basic service.
5. Reasonable service quality in terms of available technology, subscriber interest, and cost.
6. Whether the proposed construction and installation would conform to all applicable state and federal laws and regulations and the National Electric Safety Code.
7. Whether Atlantic Broadband will have competent staff able to provide prompt, adequate service, and to respond comprehensively to customer complaints or problems.
8. Whether Atlantic Broadband will have reasonable rules and policies for line extensions and disconnects, customer deposits, and billing practices.

Mayor Pro Tem Bouchard indicated that for purposes of tonight's hearing, there are three subjects over which the City has no authority to regulate: (1) the rates that Atlantic Broadband would charge for its services; (2) the commercial programming

that Atlantic Broadband chooses to show on its cable systems; and (3) the internet service which Atlantic Broadband may provide. She also noted that the public hearing will remain open for submission of additional written testimony for fourteen (14) days following tonight's hearing. Therefore, this hearing will officially close on October 4, 2021.

Mayor Pro Tem Bouchard indicated that, at the October 12, 2021 City Council meeting, the City Council will make a preliminary determination as to the viability of Atlantic Broadband to install, construct, operate and maintain a cable television system in Concord, and, if appropriate, authorize the City Manager to enter into negotiations with Atlantic Broadband to determine whether the parties can agree upon the terms and conditions of a cable television cable franchise agreement, subject to the City Council's approval.

City Manager Aspell indicated representatives from Atlantic Broadband were present to give a brief presentation.

Nadine Heinen, Regional Operations Director, and Glenn Patch, Construction Manager for Market Expansion, addressed Council. Ms. Heinen indicated that Atlantic Broadband, a subsidiary of Cogeco Communications of Canada, is a \$2 billion a year company offering services to around one and a half million homes. She then reviewed a PowerPoint presentation with City Council outlining the company's current services within the United States.

Councilor Keach inquired as to whether or not Atlantic Broadband would offer competitive prices. He also inquired as to whether or not Atlantic Broadband representatives thought the future of television would be viewers streaming the channels they chose to watch instead of more traditional viewing. Ms. Heinen indicated she was unsure as to what Comcast prices were. She also indicated that Atlantic Broadband offered a vast majority of streaming services.

Councilor Kenison indicated she had heard from people she knew in the Laconia area that Atlantic Broadband offered good services at prices significantly less than Comcast charges their customers.

Councilor Matson inquired as to what the time frame for services in the area would be if City Council voted to authorize the City Manager to enter into negotiations with Atlantic Broadband at their October City Council meeting. Mr. Patch indicated construction would begin in December, with a tentative plan for installs to begin in February of 2022.

Councilor Kretovic inquired as to how many jobs would be created for Concord residents. She further stated that the network hub infrastructure would contribute to the property tax base. Ms. Heinen indicated that Atlantic Broadband had many open positions within their company, indicating anyone looking for work should check out their website for job opportunities.

Councilor Todd inquired about Atlantic Broadband's customer service centers, specifically if they planned to open an office in Concord. Ms. Heinen indicated that she was not sure at this point in time stating that the topic was being discussed.

Councilor Bouchard inquired about the number of complaints Atlantic Broadband receives from customers unhappy with their services. Ms. Heinen indicated that she didn't have that information with her indicating that Atlantic Broadband has all US based call centers.

Councilor Fennessy inquired as to what the closest physical customer service location was. Ms. Heinen indicated that to be in Rochester, New Hampshire. Councilor Fennessy then inquired as to whether or not the company would be adding a local customer service facility in the area, if Council voted to move forward with negotiations with Atlantic Broadband. Ms. Heinen indicated discussions were taking place about potentially adding an additional customer service location in the area, stating she was not sure what the outcome would be. Councilor Fennessy inquired as to how many communities were serviced by the Rochester Service Center. Ms. Heinen indicated that all customers within Maine and New Hampshire were currently serviced by that location.

Councilor Champlin indicated he didn't feel like the presentation this evening addressed many of the eight points City Council must consider prior to taking action at their October 12, 2021 City Council meeting. Councilor Champlin encouraged representatives to address, in writing, the eight points Mayor Pro Tem Bouchard noted in her introductory comments this evening.

Councilor Champlin inquired about consumer bundles vs. personal channel selection, indicating he was sure residents would welcome the ability to choose smaller packages. Ms. Heinen indicated that Atlantic Broadband offered a price, that would not expire after a certain amount of time, as well as more flexibility in channel choices. Councilor Champlin asked that Ms. Heinen provide additional information about the packages Atlantic Broadband provides.

Councilor Kenison inquired as to whether or not Atlantic Broadband would be able to offer services to some of the more rural areas within the city. Mr. Patch indicated that Atlantic Broadband would offer services to any resident within the community that was interested.

Councilor Nyhan asked whether or not Atlantic Broadband was planning on hiring additional staff to ensure adequate customer service in the area, should Concord move forward with negotiations with Atlantic Broadband. Ms. Heinen indicated that their current staff has the ability to handle additional customers, indicating that although she was unsure if additional staff would be added locally, she was confident that it would be discussed.

Councilor Kretovic inquired as to whether or not Atlantic Broadband would accommodate the city's public access channels like Comcast does. Ms. Heinen indicated that whatever services were provided by Comcast, via their franchise agreement with the City, would be matched by Atlantic Broadband.

Councilor Grady Sexton inquired as to how much time Atlantic Broadband anticipated it would take to complete their build out, if approved by Council, and provide services to all residents within the community that wanted them. Mr. Patch indicated he anticipated it to be an approximate one year build out, further stating that if all applications and permits were approved faster than anticipated it could be sooner.

Councilor Fennessy inquired as to whether or not Atlantic Broadband would begin marketing their services as they became available in given areas within the city. Mr. Patch indicated that they would indeed target specific areas within the city as lines in a given area were ready.

Councilor McNamara asked if Atlantic Broadband would be leasing poles within the city. Mr. Patch confirmed that they leased poles from the two utility companies that owned the poles.

Public Testimony

Denis O'Connell, Concord resident, spoke in support of competition within the city for internet and cable, indicating his hope was competition within the city would result in lower costs for services. Mr. O'Connell also inquired as to what basic pricing might be for services through Atlantic Broadband. Atlantic Broadband representatives referred him to their website for information about current prices.

Rich Woodfin, Concord resident, thanked City Council for the opportunity to speak on this subject. He addressed Council, speaking in support of the City moving forward with negotiations with Atlantic Broadband. Mr. Woodfin further noted his hope that there would be more fiber optic options for residents within the community in the future, referencing progress made in the Town of Bristol New Hampshire, where the community was able to get wired with fiber optic, which has resulted in game changing economic development in the area. Mr. Woodfin also noted his agreement with Councilor Champlin stating he wished Atlantic Broadband had provided more information specific to the points Mayor Pro Tem Bouchard stated at the beginning of the meeting.

There being no additional public testimony, Mayor Pro Tem Bouchard closed the public hearing.

Jim Kennedy, City Solicitor, addressed City Council, indicating that tonight was the first step in the process outlined within RSA 53-C:3-a. Mr. Kennedy indicated there would be no additional public hearings on this subject, further stating that residents could submit public testimony to the City Clerk's Office through 11:59 p.m. on Monday, October 4, 2021. Public testimony can be submitted via email to cityclerk@concordnh.gov or by mail to the City Clerk's Office, 41 Green Street, Concord, NH 03301.

Councilor Grady Sexton asked for confirmation that Atlantic Broadband would be submitting the PowerPoint presentation given tonight, as well as responses to the eight points Mayor Pro Tem Bouchard outlined at the beginning of the public hearing. Atlantic Broadband representatives confirmed they would submit the requested information to the City Clerk, prior to the October 12, 2021 Council meeting.

Adjournment

Action: There being no additional City Council business, Councilor Champlin moved to adjourn the meeting at 6:23 p.m.

A true copy: I attest:

Janice Bonenfant
City Clerk